

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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AUG 14 1997

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OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 97-131
Table of Allotments,) RM-9078
FM Broadcast Stations)
(Twin Falls, Idaho))

To: Chief, Allocations Branch

PETITION FOR LEAVE TO FILE SUPPLEMENTAL ENGINEERING

Hailey Local Service Co. ("HLSC"), by counsel, hereby requests leave to file the attached Engineering Statement and Exhibits ("Statement") in the above-referenced proceeding. As shown below, this supplement should be accepted because it accomplishes a full settlement of the proceeding.

The Statement shows that JTL Communications Corporation ("JTLCC"), the original petitioner for assignment of Channel 294A to Twin Falls, Idaho, can be accommodated at its desired transmitter site with one of three alternate Class A channels. This would permit assignment of Channel 294C to Hailey, Idaho as proposed in HLSC's July 3, 1997 Comments and Counterproposal. The Statement also shows that Channel 233C, proposed by JTLCC for use at Hailey in lieu of Channel 294C, is unsuitable for use at Hailey due to terrain intervention path losses between the Channel 233C proposed restricted site and the city of Hailey. Specifically, the

Statement shows that there are four terrain interventions blocking line-of-sight coverage of Hailey from JTLCC's proposed Channel 233C site, resulting in a maximum 59.1 dB/u signal over the community instead of the 70 dB/u required by the FCC's rules. The Statement also points out that the proposed restricted site for Channel 233C at Hailey is on U.S. Forest Service land that is not likely to be available for construction of a radio tower. These problems do not apply at HLSC's proposed Channel 294C site, which is an existing broadcast transmitter site. As shown in the Statement, any and all site issues concerning the assignment of Channel 233C will be mooted if the Commission allots to Twin Falls one of the three alternate Class A channels suggested in the Statement, and allots Channel 294C to Hailey as proposed in HLSC's counterproposal.

Since the attached Statement resolves the conflict between HLSC's Channel 294C counterproposal for Hailey and JTLCC's proposal to establish a new FM service at Twin Falls, no party will be prejudiced by acceptance of the Statement. Nor will acceptance delay resolution of the proceeding since the Commission has not yet issued a public notice accepting HLSC's July 3, 1997 Comments and Counterproposal. Thus, today's submission is being filed within the pleading cycle for this proceeding. Moreover, acceptance of the Statement will permit a speedy resolution of this proceeding by affording both JTLCC and HLSC the relief they seek.

WHEREFORE, these matters considered, it is respectfully requested that the attached Engineering Statement and Exhibits be ACCEPTED; that either Channel 269A, Channel 288A or Channel 289A be assigned to Twin Falls, Idaho; that Channel 294C be assigned to Hailey, Idaho; and that this proceeding be terminated.

Respectfully submitted,

HAILEY LOCAL SERVICE CO.

By: 

Harry C. Martin

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street, 11th Floor
Rosslyn, VA 22209
(703) 812-0400

August 14, 1997

KLEIN BROADCAST ENGINEERING

FCC ORIGINAL

dedicated to improving the science and technology of radio & television communications

ENGINEERING STATEMENT & EXHIBITS

**RE: MM DOCKET NUMBER 97-131
RM -9078**

PREPARED FOR:

HAILEY LOCAL SERVICE COMPANY

AUGUST 1997

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AUGUST 1997

ENGINEERING EXHIBIT HAILEY LOCAL SERVICE COMPANY IN THE MATTER OF MM DOCKET NUMBER 97-131 / RM-9078

INTRODUCTION and ENGINEERING STATEMENT

Hailey Local Service Company, has retained the firm of Klein Broadcast Engineering to analyze the proposal of JTL Communications Corporation (JTLCC) to allocate FM channel 233 C to Hailey, Idaho, and FM channel 294 A to Twin Falls, Idaho.

JTLCC states that from its proposed site restricted site for FM channel 233 C at NL:43-45-48 / WL:114-26-40 for Hailey, Idaho, its proposal would comply with Section 73.315 of the Commission's Rules by providing ALL of Hailey, Idaho, with the required 70 dBu, City Grade Service. In fact NONE of Hailey, Idaho, would receive the required 70 dBu coverage.

An engineering analysis of this proposal reveals the JTLCC proposed allocation site for FM channel 233 C at Hailey, Idaho, is Terrain Shielded from the proposed principal community. Using the JTLCC proposed geographic coordinates and the official listed geographic coordinates for Hailey, Idaho, we find a path length of 28.9 kilometers on a bearing of 158.5 degrees true. Using an antenna center of radiation 45 meters above ground level at the JTLCC proposed site restricted coordinates the antenna center of radiation would be 2418 meters AMSL. Using a receive antenna at 9 meters above ground level at the Hailey, Idaho, official geographic coordinates, this would result in a receive antenna elevation of 1659 meters AMSL. Engineering Exhibit E-1 is a plot of the radial between the proposed JTLCC site and the official listed geographic coordinates for Hailey, Idaho, using the elevations listed above. It may be seen that there exists no less than four (4) terrain interventions. These interventions total ADDITIONAL path loss of -38.6dB in a conservative analysis.

Using N.B.S. Tech Note 101, Longley-Rice, the signal over Hailey, Idaho, may be calculated in the following manner:

$$104.77 + \text{EIRP in dBk} - 20 \times \log \text{distance in kilometers} - A \\ (\text{additional terrain intervention excess path losses})$$

Therefore, $104.77 + 22.15 \text{ dBk (100kW)} = 126.92 - 29.22 = 97.7 \text{ dBu}$
- A (additional terrain intervention path losses) $-38.6 \text{ dB} = 59.1 \text{ dBu}$
over Hailey, Idaho, 10.9 dBu below the Commission's required 70 dBu coverage over Hailey, Idaho.

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INTRODUCTION and ENGINEERING STATEMENT ^{dedicated to improving the science and technology of radio & television communications} cont'd page two:

The terrain database used for these calculations was the DMA 3 Second Terrain Data File. The four (4) terrain interventions occur at approximately 4, 11, 12, and 17 kilometers distance from the JTLCC proposed site.

In addition to the noncompliant signal level produced over Hailey, Idaho, from the JTLCC proposed site for FM channel 233 C, this writer discovered the JTLCC proposed site location is on U.S. Forest Service land in an environmentally sensitive wilderness area and its doubtful if the proposed JTLCC site could be obtained with any reasonable assurance.

PROPOSAL from HAILEY LOCAL SERVICE COMPANY

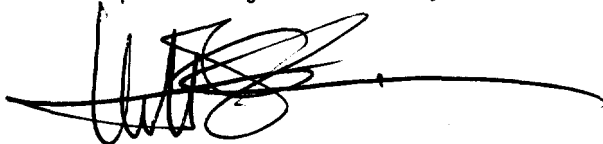
As filed with the Commission in its COMMENTS and COUNTERPROPOSAL, Hailey Local Service Company, affirms its proposal to allocated FM channel 294 C to Hailey, Idaho, from its proposed site restricted coordinates. In addition Hailey Local Service Company has found no less than three (3) Class A FM channels that would comply with FCC Rules Sections 73.207 and 73.315 from the JTLCC proposed allocation geographic coordinates for FM channel 294 A at Twin Falls, Idaho. (NL:42-33-42 / WL:114-28-12) The FM class A channels identified by Hailey Local Service Company for use at Twin Falls, Idaho, are as follows:

FM Channel 269 A, (see Engineering Exhibit E-2)
FM Channel 288 A, (see Engineering Exhibit E-3)
FM Channel 289 A (see Engineering Exhibit E-4)

By allocating FM Channel 294 C to Hailey, Idaho, and by the choice of the Commission of one of the above FM class A channels at Twin Falls, Idaho, the Commission could satisfy both the proposal of JTLCC and that of Hailey Local Service Company.

If FM channel 294 C is allocated to Hailey, Idaho, Hailey Local Service Company, affirms its intention to apply for and construct a new FM broadcast station to serve the principal community of Hailey, Idaho.

Respectfully submitted,



Elliott Kurt Klein, Consulting Broadcast Engineer

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August

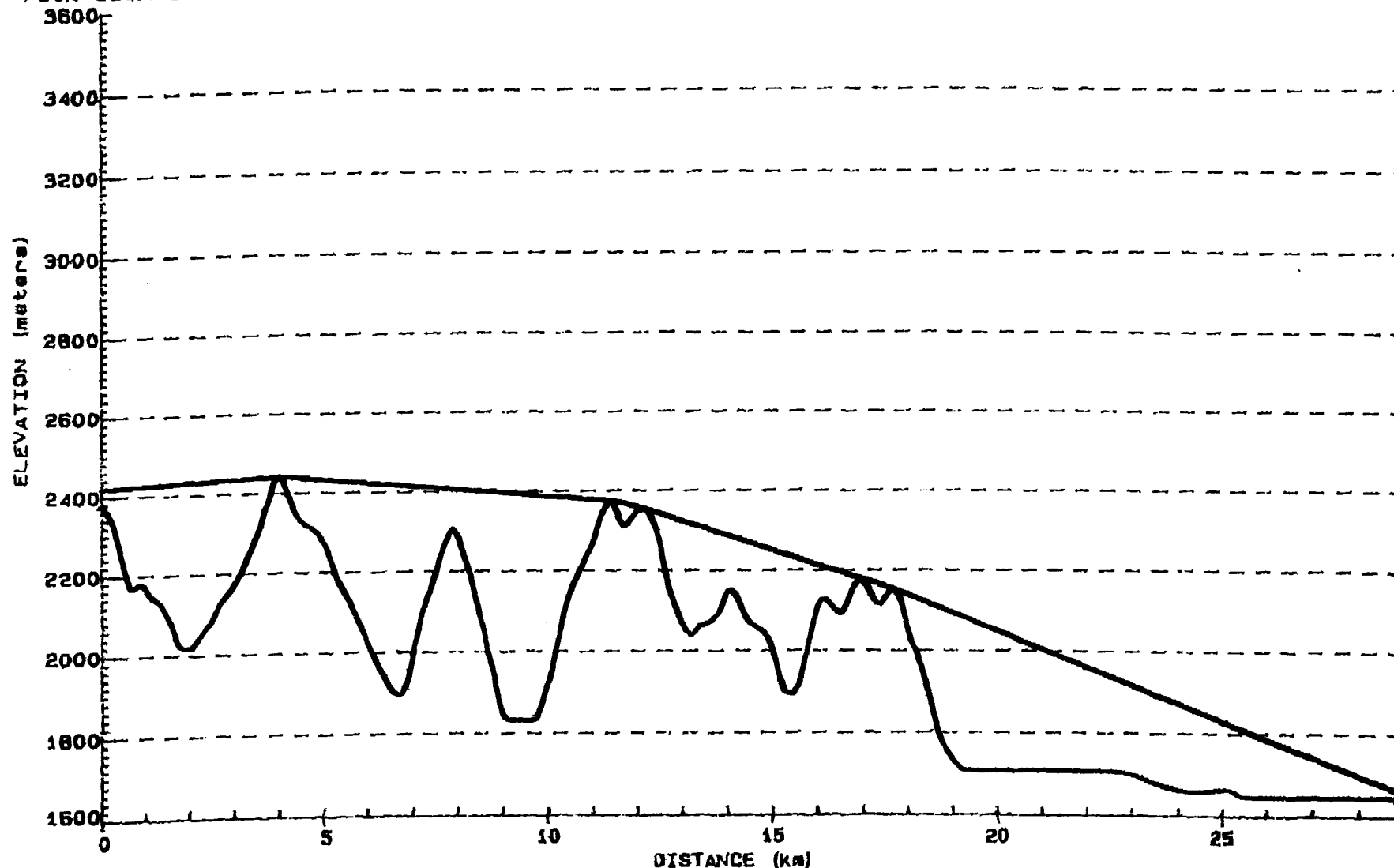
1997

COMPUTERIZED ENGINEERING REPORTS/ALLOCATION STUDIES
AM · FM · AM DIRECTIONALS · AUDIO · STL · SATELLITE COMMUNICATIONS
5529 East Sapphire Lane · Scottsdale, Arizona 85253 · 602 991-0575

Site: Prop. Ch. 233 Site
N 43 45 48 W 114 26 40
Ant. Elev. (AMSL): 2418.0 m
Path azimuth: 158.52 dege.

Frequency: 94.5 MHz
Path Length: 28.9 km
Total Path Loss: 139.8 dB
Excess Path Loss: 38.8 dB

Site: Halley, Idaho
N 43 31 18 W 114 18 48
Ant. Elev. (AMSL): 1659.0 m
Path azimuth: 338.61 dege.



K factor: 1.933

3 Second Database - NAD 27
Rain loss: .0 dB
Urban loss: .0 dB
Foliage loss: .0 dB

Klein Broadcast Eng.
Consulting Engineers
Paradise Valley, AZ

Halley Local Service Co.
Halley, Idaho

PATH PROFILE

158.5

August 1987

Exhibit 1

KLEIN BROADCAST ENGINEERING
PARADISE VALLEY, AZ
EXHIBIT E-2
FM Spacing Study

Page 1
August 1, 1997

Title: HAILEY LOCAL SERVICE CO.
Channel 269A (101.7 MHz)
Database: FCC 07/03/97

Latitude: 42-33-42
Longitude: 114-28-12
Safety zone: 30 km

Call City of License	Auth License	Licensee name St FCC File no.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
NEW Jordan Valley	APC	Educational Media Founda OR	*215C 90.9	19 711	43-00-25 116-42-13	286.0 104.4	189.3 160.3	29 CLEAR
NEW Pocatello	APC	Idaho State University ID	*216A 91.1	41 318	42-51-46 112-31-03	77.5 258.8	163.4 153.4	10 CLEAR
Cut-off 05/09/97								
KMCL-FM Mccall	LIC	Idaho Heartland Broadcas ID BLH-901101KC	266C1 101.1	3.90 571	44-45-54 116-11-54	331.0 149.8	281.7 206.7	75 CLEAR
ALLOC Fallon		NV	267C2 101.3		39-28-24 118-46-36	227.9 45.1	498.9 443.9	55 CLEAR
KCVI Blackfoot	LIC	Western Communications, ID BLH-940818KE	268C 101.5	100 461	43-30-03 112-39-43	54.0 235.2	180.6 15.56	165 CLOSE
DOC-87-223								
ALLOC Blackfoot		ID DOC-84-510	268C 101.5		43-11-24 112-20-48	67.3 248.7	187.0 22.01	165 CLEAR
Filing window 06/13-07/12/85 **CLOSED**								
ALLOC Ely		NV DOC-89-240	269C3 101.7		39-15-52 114-53-35	185.7 5.4	367.9 225.9	142 CLEAR
KJHY Emmett	LIC	Radio Broadcasting, Inc. ID BLH-910718KD	270C 101.9	57 772	43-45-18 116-05-52	315.7 134.6	187.4 22.36	165 CLEAR
PRM Driggs	ADD	Vixon Valley Broadcastin ID DOC-97-39	271A 102.1		43-43-36 111-06-18	63.5 245.8	302.8 271.8	31 CLEAR
NEW Wendover	APC	Gaylen C. & Laurel W. Pa NV BPH-961118MP	272C 102.3	99 601	41-07-19 114-34-02	182.9 2.8	160.1 65.11	95 CLEAR

>> End of channel 269A study <<

KLEIN BROADCAST ENGINEERING
PARADISE VALLEY, AZ
EXHIBIT E-3
FM Spacing Study

Page 1
August 1, 1997

Title: HAILEY LOCAL SERVICE CO.
Channel 288A (105.5 MHz)
Database: FCC 07/03/97

Latitude: 42-33-42
Longitude: 114-28-12
Safety zone: 30 km

Call City of License	Auth Licensee	name St FCC File no.	Chan ERP-kW Freq EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
KBYA Carson City	LIC Sapphire	Broadcasting, I NV BLH-870901KA	234C 88 94.7 632BT	39-15-30 119-42-36	231.9 48.5	574.0 545.0	29 CLEAR
ALLOC Pocatello		ID	235C 94.9	42-52-26 112-30-47	77.1 258.4	164.0 135.0	29 CLEAR
KNFL-FM APC Tremonton	Evergreen	Media Corporat UT BMPH-930920IE	285C 100 104.9 323	41-44-53 112-13-40	115.3 296.8	206.2 111.2	95 CLEAR
ALLOC Boise		ID	286C 105.1	43-45-19 116-05-52	315.7 134.6	187.4 92.38	95 CLEAR
NEW Diamondville	CP Jerrold T. Lundquist	WY BPH-950906MN	287C2 50 105.3 3	41-47-57 110-32-44	103.4 286.0	335.1 229.1	106 CLEAR
KOSZ-FM LIC Idaho Falls DA: oddball	SPH Associates ID BLH-931014KD ODD931118IC @ 0 deg		288C1 100DA 105.5 201BT	43-21-06 112-00-22	65.5 247.2	219.4 19.37	200 CLEAR
ALLOC Idaho Falls Filing window	ID 03/13-04/12/89	**CLOSED**	288C1 105.5	43-29-30 112-02-00	61.6 243.3	223.9 23.87	200 CLEAR
ALLOC Centerville		UT DOC-90-548	289C 105.7	40-42-28 112-07-56	135.9 317.5	283.4 118.4	165 CLEAR
KCIX Garden City	LIC Contemporary Media Corpo	ID BLH-850115LP	290C 49 105.9 823	43-45-18 116-05-52	315.7 134.6	187.4 92.36	95 CLEAR
ALLOC Evanston		WY	291C3 106.1	41-21-11 110-54-28	113.3 295.7	324.4 282.4	42 CLEAR

>> End of channel 288A study <<

KLEIN BROADCAST ENGINEERING
PARADISE VALLEY, AZ
EXHIBIT E-4
FM Spacing Study

Page 1
August 1, 1997

Title: HAILEY LOCAL SERVICE CO.
Channel 289A (105.7 MHz)
Database: FCC 07/03/97

Latitude: 42-33-42
Longitude: 114-28-12
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC Pocatello	ID		235C 94.9		42-52-26 112-30-47	77.1 258.4	164.0 135.0	29 CLEAR
KYCS Rock Springs DOC-85-163	LIC	Faith Broadcasting WY BLH-861015KA	236C 95.1	100 355BT	41-29-50 109-20-36	103.9 287.3	440.7 411.7	29 CLEAR
ALLOC Boise	ID		286C 105.1		43-45-19 116-05-52	315.7 134.6	187.4 92.38	95 CLEAR
NEW Diamondville	CP	Jerrold T. Lundquist WY BPH-950906MN	287C2 105.3	50 3	41-47-57 110-32-44	103.4 286.0	335.1 280.1	55 CLEAR
KOSZ-FM Idaho Falls DA: oddball	LIC	SPH Associates ID BLH-931014KD ODD931118IC @ 0 deg	288C1 105.5	100DA 201BT	43-21-06 112-00-22	65.5 247.2	219.4 86.37	133 CLEAR
ALLOC Centerville	UT	DOC-90-548	289C 105.7		40-42-28 112-07-56	135.9 317.5	283.4 57.44	226 CLEAR
KCIX Garden City	LIC	Contemporary Media Corpo ID BLH-850115LP	290C 105.9	49 823	43-45-18 116-05-52	315.7 134.6	187.4 22.36	165 CLEAR
ALLOC Garden City	ID		290C 105.9		43-45-18 116-05-52	315.7 134.6	187.4 22.36	165 CLEAR
ALLOC Evanston	WY		291C3 106.1		41-21-11 110-54-28	113.3 295.7	324.4 282.4	42 CLEAR
PRM Homedale	ADD	Homedale Broadcasting Co ID DOC-97-15	292C 106.3		43-33-13 117-22-10	296.1 114.1	260.6 165.6	95 CLEAR

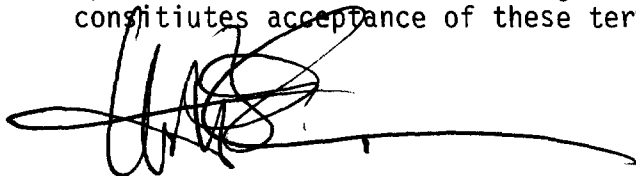
>> End of channel 289A study <<

KLEIN BROADCAST ENGINEERING

STATE of ARIZONA)
CITY of SCOTTSDALE) ss:
COUNTY of MARICOPA)

dedicated to improving the science and technology of radio & television communications

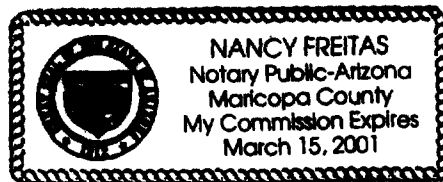
Elliott Kurt Klein, being duly sworn states, that he is a consulting broadcast engineer with offices located at 5529 East Sapphire Lane, Paradise Valley, Arizona 85253. That he has been employed in the broadcast engineering profession since 1967, and that he has prepared many different reports and applications and presented them before the Federal Communications Commission, over the past thirty years. That his engineering qualifications are a matter of record with the Federal Communications Commission. That he has held a valid First Class Radiotelephone Operators License since 1967. That his present license number is PG-11-21248, valid for life. That the calculations and or measurements and exhibits in the accompanying report, engineering memorandum or application were made by him personally or under his supervision and direction, and that all facts contained herein are true of his own personal knowledge and belief, and on such facts or statements made on belief, they are believed to be true. He assumes no liability for any errors or omissions and shall not be liable for injuries and/or damages (including consequential) which might result from use of said information. All calculated data, engineering exhibits, and statements are covered under the copyright laws of the United States of America and remain the property of the client and Klein Broadcast Engineering. Any unauthorized use or reproduction is prohibited by law. Use of this engineering report or application constitutes acceptance of these terms by the client.



Affiant: Elliott Kurt Klein for the firm:

KLEIN BROADCAST ENGINEERING

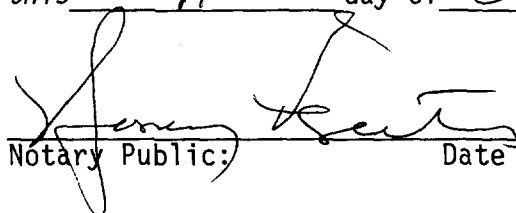
Subscribed and sworn to before me,



this 11th day of August 19 97

Notary Public:

Date of Commission Expiration:

 March 15, 2001

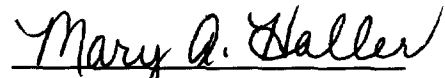
CERTIFICATE OF SERVICE

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that true copies of the foregoing "Petition for Leave to File Supplemental Engineering" were sent this 14th day of August, 1997, by United States mail, postage prepaid, to the following:

Ms. Kathleen Schuerle*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., Room 565
Washington, DC 20554

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P.O. Box 2527
Boise, ID 83701
Counsel for JTL Communications Corporation

*BY HAND DELIVERY


Mary A. Haller